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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,647	01/10/2001	Wen-Hsiao Peng	42390.P10900	9521

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John P. Ward
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

[REDACTED] EXAMINER

LEE, RICHARD J

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 05/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/758,647	Applicant(s) Peng et al
Examiner Richard Lee	Art Unit 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

- 15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) Other: _____

Art Unit: 2613

1. The applicants are informed that the search report as cited on the IDS filed December 3, 2002 has not been considered by the Examiner since the search report is not a publication. A line has been drawn through the citation accordingly (see attached IDS).

2. The drawings are objected to because:

(1) block element 66 of Figure 2 of the drawings has not been identified in the Specification;

(2) block element 57 of Figure 2 of the drawings has not been identified in the Specification; and

(3) block element "6910" as shown in Figure 6 of the drawings should be changed to "690" in order to agree with page 17, line 13 of the Specification.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

4. The disclosure is objected to because of the following informalities: "S 46" as specified at page 12, line 20 of the Specification is not shown in any of the Figures of the drawings. Appropriate correction is required.

Art Unit: 2613

5. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At claim 19, line 1, "first unit" should be changed to "second unit" for clarity and since the second unit generates the second body of data.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4-10, 12-18, and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueno et al of record (5,436,665).

Ueno et al discloses a motion picture coding apparatus as shown in Figures 1, 4, and 5, and the same article comprising a computer-readable medium which stores computer-executable instructions, method, and system, comprising the same first unit (102, 29, 103, 30-33, 35 of Figure 1) to generate a first body of data being sufficient to permit generation of a viewable video sequence of lesser quality than is represented by a source video sequence; a second unit (100, 101, 12, 17-24, 27, 104 of Figure 1) to generate a second body of data being sufficient to enhance the quality of the viewable video sequence generated from the first body of data (see column 7,

Art Unit: 2613

line 42 to column 8, line 38), the second body of data being generated by subtracting a reconstructed body of data (i.e., output of 104 of Figure 1) from a subsection of the source video sequence (i.e., output of 101 of Figure 1), wherein the reconstructed body of data is selected from a group of at least two separate reconstructed bodies of data (see Figure 5 and column 10, line 51 to column 11, line 40), wherein the group of at least two separate bodies of data is selected from a reconstructed first body of data (i.e., 132 of Figure 5) sufficient to permit generation of the viewable video sequence of lesser quality than is represented by the source video sequence, a reconstructed second body of data (i.e., 134 of Figure 5) sufficient to enhance the quality of the viewable video sequence generated from the first body of data, or a combination (i.e., 132-133, 140 of Figure 5, and see column 11, lines 30-40) of the reconstructed first and second bodies of data; the second body of data is generated by subtracting a reconstructed body of data (i.e., output from 104 of Figure 1) from a macroblock of the source video sequence (i.e., output of 101 of Figure 1, and see column 9, lines 38-53); wherein the second unit compares the at least two separate reconstructed bodies of data to the source video sequence to adaptively selected from the reconstructed first body of data, the reconstructed second body of data, or the combination of the reconstructed first and second bodies of data, wherein the selection of the reconstructed body of data is indicated in a syntax of a bit-stream transmitted from the system (see column 9, lines 38-53, column 10, line 51 to column 11, line 40); wherein a first set of motion vectors are used by the first unit to generate the first body of dat and the first set of motion vectors are used by the

Art Unit: 2613

second unit to generate the second body of data (see Figure 5); and the first unit and the second unit are included on a single hardware component (see Figure 1).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno et al as applied to claims 1, 2, 4-10, 12-18, and 20-24 in the above paragraph (7), and further in view of Li (US 2002/0080878 A1).

Ueno et al discloses substantially the same article, method, and system, but does not particularly disclose prior to generating the second body of data generated by subtracting the reconstructed body of data from the subsection of the source video sequence, spatially reconstruct and clip the reconstructed first body of data, and spatially reconstruct and clip the reconstructed second body of data as claimed in claims 3, 11, and 19. However, Li discloses a video apparatus and method for digital video enhancement as shown in Figure 1, and teaches the conventional clipping of reconstructed bodies of data (see 135 of Figure 1). Therefore, it would have been obvious to one of ordinary skill in the art, having the Ueno et al and Li references in front of him/her and the general knowledge of video compression processings, would have had no difficulty in providing the clipping function as taught by Li for the first and second body of data

Art Unit: 2613

within Figure 1 of Ueno et al for the same well known adjustment of the video to prevent invalid video data purposes as claimed.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yonemitsu et al discloses a layer encoding and decoding apparatus.

Ueno et al (5,418,570; 5,677,735) disclose motion picture coding apparatuses.

Wu et al (US 2002/0150158 A1) discloses a drifting reduction and macroblock based control in progressive fine granularity scalable video coding.

Chen (US 2002/0034248 A1) discloses an apparatus and method for conserving memory in a fine granularity scalability coding system.

Van Der Schaar et al (US 2002/0071486 A1; US 2002/0181580 A1; and 6,501,797) disclose various types of systems for fine granular scalable video coding.

11. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Art Unit: 2613

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612. The Examiner can normally be reached on Monday to Friday from 8:00 a.m. to 5:30 p.m., with alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group customer service whose telephone number is (703) 306-0377.



RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

4/29/03